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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/527,462

03/11/2005

Laurentius Petrus Joseph Van Loon

Q86332

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10/27/2006

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EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/527,462 | Applicant(s) VAN LOON ET AL. | |
| | Examiner Janet M. Wilkens | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 8-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/11/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Attachments A and B</u> . |

Specification

The disclosure is objected to because of the following informalities: There are no headings throughout the specification. Also, it is improper to make reference to the claims in the specification (see page 4, line 23).
Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cooling agents/dry ice must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 8-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 2/5, 6, 7 and 14-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Krivec (5,549,377). Krivec teaches a drawer (Fig. 5; see Attachment A) which is part of a wheeled cabinet (see Fig. 1) comprising: a bottom surface (33), two side walls (22',31) with a height of H and a horizontal top surface (see Attachment A). The side walls have an uppermost recess that extends the entire side wall, is open toward the outside of the drawer and is delimited from above by an uppermost support body (see Attachment A). The uppermost recesses, viewed in the vertical direction, are a recess distance X away from the top surface and the outside of the uppermost support bodies, view in the horizontal direction, have an external support body spacing V (see Attachment A). A supporting foot (32) extends along the side walls and extends below the bottom surface to a support depth Y (see Attachment A) which appears to be greater than recess distance X. The foot has an internal spacing W which appears to be greater than the spacing V. It should be noted that even if the "greater than" distances discussed above were found not to be accurate (drawings are not necessarily to scale and the compared dimensions are close in size), it would have been obvious to

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dimension the drawer components wherein these limitations would be met.

Furthermore, the equation found in claim 2 would inherently be provided for by Krivec and Krivec also teaches intermediate recesses. For claim 6, it should be noted that product by process limitations are given no weight in a claim. Also note: the terms "aircraft" and "catering" are merely nomenclature and have been given no weight in the claims.

For claim 7, Krivec fails to teach that drawer is filled with dry ice. The examiner takes Official notice that dry ice for use in drawers is well known in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the drawer of Krivec by adding dry ice therein, depending on the desired need of the person constructing the drawer, e.g. depending on the use of the drawer, etc.

Claims 1, 2, 2/5, 6, 7, and 14-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ullman Jr. (3,726,579). Ullman teaches a drawer (Figs. 1 and 2; see Attachment B) comprising a bottom surface (3), two side walls (2) with a height of H and a horizontal top surface (see Attachment B). The side walls have an uppermost recess that extends the entire side wall, is open toward the outside of the drawer and is delimited from above by an uppermost support body (see Attachment B). The uppermost recesses, viewed in the vertical direction, are a recess distance X away from the top surface and the outside of the uppermost support bodies, view in the horizontal direction, have an external support body spacing V (see Attachment B). A supporting foot (9a) extends along the side walls and extends

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below the bottom surface to a support depth Y (see Attachment B) which appears to be greater than recess distance X. The foot has an internal spacing W which appears to be greater than the spacing V (see Fig. 3). It should be noted that even if the "greater than" distances discussed above were found not to be accurate (drawings are not necessarily to scale and the compared dimensions are close in size), it would have been obvious to dimension the drawer components wherein these limitations would be met. Furthermore, the equation found in claim 2 would inherently be provided for by Ullman. For claim 6, it should be noted that product by process limitations are given no weight in a claim.

For claim 7, Ullman fails to teach that drawer is filled with dry ice. The examiner takes Official notice that dry ice for use in drawers is well known in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the drawer of Ullman by adding dry ice therein, depending on the desired need of the person constructing the drawer, e.g. depending on the use of the drawer, etc.

For claim 16, Ullman fails to teach that drawer is part of a wheeled cabinet (it is part of a cabinet structure). The examiner takes Official notice that wheeled cabinets with drawers are well known in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to add wheels on the cabinet of Ullman, so that it becomes readily portable. Note: the terms "aircraft" and "catering" are merely nomenclature and have been given no weight in the claims.

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Allowable Subject Matter

Claims 3, 4, 3/5 and 4/5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
October 26, 2006

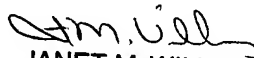

JANET M. WILKENS
PRIMARY EXAMINER
A-10-3637

FIG. 4

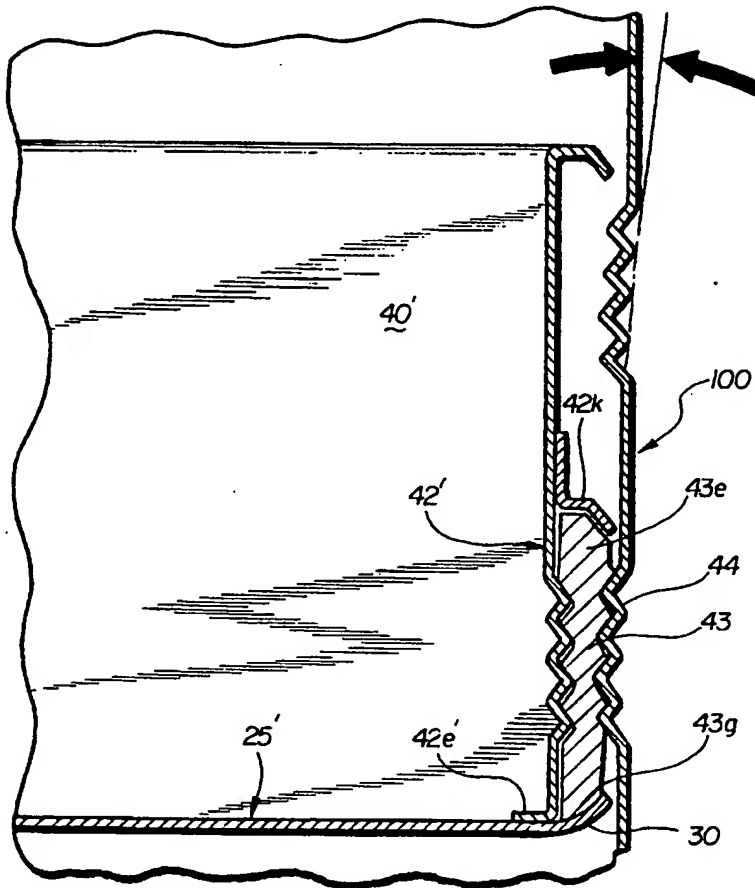
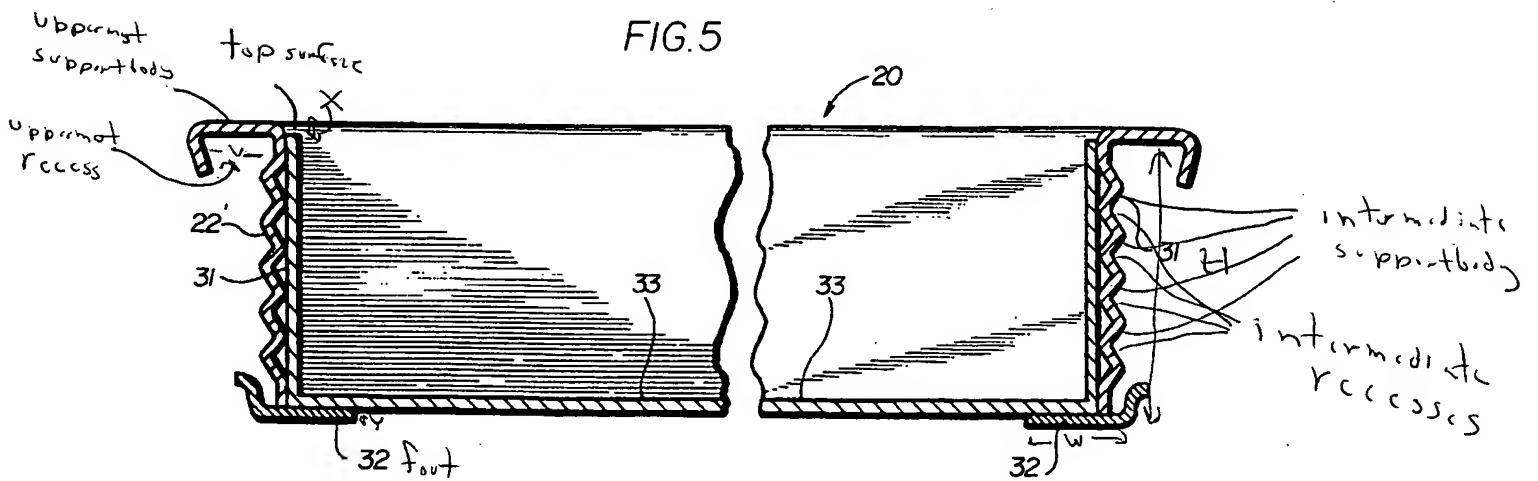


FIG. 5



Attachment B

PATENTED APR 10 1973

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SHEET 1 OF 2

FIG. 1.

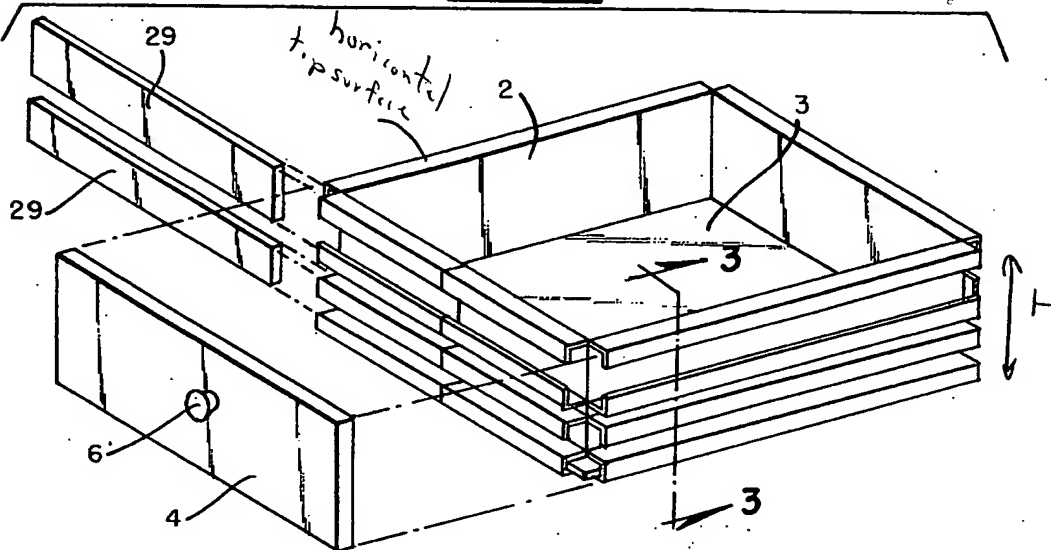
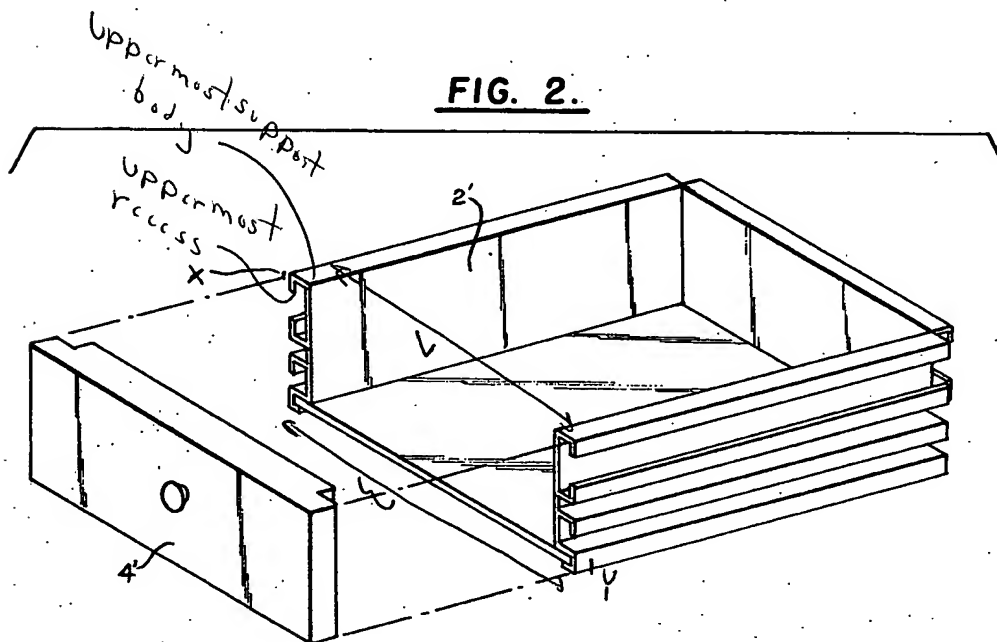


FIG. 2.



INVENTOR

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